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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,265

02/19/2004

Behram Mario Dacosta

50T5776.01

4987

36738 7590 03/05/2008

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EXAMINER

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ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

03/05/2008

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BEHRAM MARIO DACOSTA

Appeal 2006-2208
Application 10/782,265
Technology Center 2600

Decided: March 5, 2008

Before JAMES D. THOMAS, MAHSHID D. SAADAT, and ALLEN R.
MACDONALD, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING¹

Appellant requests reconsideration of our Decision of September 28, 2006, wherein we reversed the Examiner's rejection of the appealed claims and entered a new ground of rejection for claim 1 under 35 U.S.C. § 102(b) as being anticipated by Yen pursuant to 37 C.F.R. § 41.50(b).

We have carefully considered the arguments presented by Appellant in the Request and reviewed our decision. However, those arguments do not persuade us that our decision was in error in any respect or we have overlooked any relevant points in reaching our decision that Yen anticipates the subject matter of claim 1.

Appellant concedes that in Yen a hypertext link to a web site can be displayed in close captioning (Request 1). However, it is Appellant's belief that "nowhere does the Board point to any teaching in Yen et al. that this hyperlink appears differently than other closed captioning text by virtue of, e.g., being underlined, italicized, bolded, having a different font size or color, or by flashing" (*id.*). Appellant argues that "[a] hyperlink is simply text, e.g., www.uspto.gov, that indeed is spelled differently than other text but otherwise does not appear differently – unless more is done to it" (Request 2).

We disagree. Initially, we note that the hypertext is not necessarily a web site address although it may be linked to one. Although Yen does not provide details of the appearance of a hypertext, the reference describes a

¹ The arguments submitted in response to the Board's previous decision is considered as a "Request for Rehearing." See MPEP § 1214.01.

hypertext link, within the closed captioning text or other annotation text, to a web site (col. 11, ll. 4-16). Yen does not display the hypertext link as web site addresses, as argued by Appellant. In fact, the hypertext links in Yen are parts of the closed captioning text, which are made up of ordinary words. However, it is common practice to make the hypertext links look like links and different from the rest of the text. Links are identified by their appearance since users may get frustrated if they try to click on textual phrases or graphics that look like links but are not or if they have to move their mouse all over the page trying to discover links that do not look like links. Therefore, the hypertext links within a text are always identified by their different appearance which is by default in the form of an underline. Browsers change the appearance of hypertext links by changing other attributes such as color (glow, highlight), hover, focus effects, etc. that distinguishes the links within the regular text.

In view of the discussion above, we find that Yen anticipates the subject matter of claim 1 as it teaches the claimed closed captioning text wherein the primary words formed as hypertext appear differently from the rest of the text.

In conclusion, based on the foregoing discussion, we have granted Appellant's request to the extent that we have reconsidered our decision, but we deny Appellant's request to make any change therein.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

DENIED

tdl/gw

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